

EXHIBIT 14

MAJORIE FERRELL, et al vs. WYETH-AYERST LABORATORIES, INC.

Deposition of Gary L. French, Ph.D.

April 11, 2002

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<p style="text-align: right;">Page 413</p> <p>1 two scenarios; an economic scenario and the 2 private sector scenario. The judge threw out the 3 private sector scenario. He didn't find the 4 parents' testimony sufficient basis for having 5 such a scenario.</p> <p>6 Q. It had nothing to do with the 7 legitimacy of your analysis, but just a predicate 8 of the parents' testimony that that was a viable 9 prospect?</p> <p>10 A. Yeah. But that's not too different 11 from what happen to EAG, either, the reason why 12 he founded what he said.</p> <p>13 Q. Now, you'd acknowledge, would you not, 14 that it's insufficient to just calculate 15 classwide damages without addressing how damages 16 could be calculated for an individual plaintiff 17 or whether there's a common methodology or 18 formula that could be employed to calculate the 19 damages of each class member? You'd acknowledge 20 that, wouldn't you?</p> <p>21 A. No, I would not acknowledge that.</p>	<p style="text-align: right;">Page 415</p> <p>1 actual price in the market affected by the 2 anti-competitive conduct and a lower price in a 3 benchmark market unaffected by the wrongful 4 conduct and then multiply this difference, the 5 unit overcharge, by the number of units sold in 6 the affected market." Then you mentioned that 7 examples of benchmarks would be for prices for 8 those in the same relevant market either before 9 or after the anti-competitive conduct occurred. 10 Were those viable benchmark methods in this case 11 before or an after method?</p> <p>12 A. Probably not.</p> <p>13 Q. Why would a before method not have 14 worked here for the benchmark?</p> <p>15 A. I'm not sure there's a period when 16 Premarin has faced meaningful competition. 17 Q. That would be based on the theory that 18 even before the entry of Cenestim, they held a 19 monopoly position in the marketplace, right?</p> <p>20 A. Yes.</p> <p>21 Q. And after the anti-competitive</p>
<p>1 That's a legal question. Was sufficient to get 2 class certified? That's not my expertise. I 3 sometimes developed formulas for individual 4 damage calculations in the past, but whether you 5 have to or whether you don't, that's for you 6 lawyers to decide.</p> <p>7 MR. EGGERT: Let me take a minute here 8 with my colleagues.</p> <p>9 THE VIDEOGRAPHER: Remember we're off 10 the video record at 5:08.</p> <p>11 (Brief Recess.)</p> <p>12 THE VIDEOGRAPHER: We're back on the 13 video record. The time approximately 5:13.</p> <p>14 BY MR. EGGERT:</p> <p>15 Q. If I could direct your attention to 16 Paragraph 61 of your second -- I guess it's your 17 third expert report on the disposal contact lens 18 case. I don't have the second one. That 19 paragraph indicates that "in measuring the 20 overcharge caused by anti-competitive conduct, an 21 expert should compute the difference in the</p>	<p style="text-align: right;">Page 416</p> <p>1 conduct, I gather your position is that the 2 anti-competitive conduct is still ongoing?</p> <p>3 A. Yes.</p> <p>4 Q. So that doesn't work.</p> <p>5 A. Not my position. It's my belief.</p> <p>6 Q. Although you really haven't looked at 7 any documents in the last year or two?</p> <p>8 A. Right. It's possible that in the last 9 six months all these agreements were repealed, 10 but I doubt it.</p> <p>11 Q. Why would you doubt that?</p> <p>12 A. I don't know why they would. Product.</p> <p>13 Q. "For the benchmark prices might be 14 those from the same product but in a geographic 15 area unaffected by the wrongful conduct." Did 16 you use that kind of method here?</p> <p>17 A. No, because I think this -- the 18 conduct in this case is nationwide, so there's no 19 submarket where it hasn't happened.</p> <p>20 Q. So none of the type of benchmarks that 21 you identified in Paragraph 61 of your report in</p>

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1 the contact lens case are applicable here, right?
 2 A. No. I mean it's conceivable that
 3 there could be an overseas market in terms of a
 4 geographic benchmark, but those are fraud with
 5 difficulty as in exchange rate differences and
 6 everything and other differences for the
 7 economies and the U.S. economy, but theoretically
 8 that's possible, but I haven't investigated it.

9 Q. And do you know whether Cenestin
 10 competes overseas?

11 A. I don't know if they do or they don't.
 12 The point would be are Premarin's prices very
 13 different overseas and they don't have these kind
 14 of agreements overseas. That would have to be
 15 the case and I don't know that that's the case.

16 Q. You state in Paragraph 61 that, "The
 17 expert should compute the difference in the
 18 market affected by a lower price in a benchmark
 19 market unaffected by the wrongful conduct." Your
 20 Benchmark Number 2 does not satisfy that
 21 criteria, right, because Wellpoint and Pacificare

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1 CERTIFICATE OF REPORTER/NOTARY PUBLIC
 2 DISTRICT OF COLUMBIA, to wit:
 3 I, CHERYL JEFFERIES, a Notary Public
 4 of the District of Columbia, do hereby certify
 5 that the within-named witness personally appeared
 6 before me at the time and place herein set out,
 7 and after having been duly sworn by me, according
 8 to law, was examined by counsel.
 9 I further certify that the examination
 10 was recorded stenographically by me and this
 11 transcript is a true record of the proceedings.
 12 I further certify that I am not of
 13 counsel to any of the parties, nor in any way
 14 interested in the outcome of this action.

15 As witness my hand and Notarial seal
 16 this 14th day of April, 2002.
 17

18 _____
 19 Cheryl Jefferies
 20 Notary Public

21 My Commission expires: July 18, 2002

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1 are in the market?

2 A. They're in the market, so it's a more
 3 difficult benchmark to apply. That's why I'd
 4 rather do the other one. We would be looking at
 5 adjacent markets, other pioneer drug markets and
 6 what happened to their prices to do the study I
 7 talked about doing.

8 Q. Okay. I think -- let's see. I don't
 9 have any more questions, I don't think. I think
 10 I'm done.

11 MR. WEXLER: I don't have anything.

12 THE VIDEOGRAPHER: That concludes the
 13 deposition. Going off the record at
 14 approximately 5:17.

15 THE REPORTER: Reading and signing?

16 MR. WEXLER: Yes.

17 THE REPORTER: Should we send that to
 18 Mr. Gustafson?

19 MR. WEXLER: Yes.

20 (Reading and signing requested.)

21 (Deposition concluded at 5:17 p.m.)

1 DATE SENT: April 15, 2002
 2 ERRATA SHEET
 3 DEPOSITION OF: Gary L. French, Ph.D.
 4 DATE: April 11, 2002
 5 CASE: Ferrell, et al vs. Wyeth-Ayerst
 6 Laboratories, et al
 7 INSTRUCTIONS:
 8 1. Please read the transcript of your deposition
 9 and make note of any corrections or changes
 10 on this Errata Sheet. DO NOT mark on the
 11 transcript itself.

12 2. Indicate below general reason for change,
 13 such as:
 14 A. To correct stenographic error.
 15 B. To clarify record.
 16 C. To relate to the facts

17 3. Sign the Certificate of Deposition page

18 4. Return this Errata sheet, along with the
 19 signed Certificate of Deposition page, within
 20 30 days of the date sent, to the office
 21 listed below for immediate forwarding to
 22 either "Wexler" in the name

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